

**HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION**

Dated Nainital the 16th December, 2006

First Bail Application No. 1102 of 2006

Order on the bail application of the accused.

CRIMINAL SIDE

Suresh Badoni,
S/o Sri Fateh Ram Badoni,
R/o Bhagirathi Enclave Dehradun,
District-Dehradun Applicant (In Jail)

Versus

State of Uttaranchal Opposite Party

In Case Crime No. 260 of 2006
U/s 420/467/468/471 & 120-B I.P.C.
P.S.-Rishikesh,
District-Dehradun.

BY THE COURT

Hon'ble Rajesh Tandon, J.

The applicant-Suresh Badoni, who is Jail in connection with Crime No. 260 of 2006 U/s 420/467/468/471 & 120-B I.P.C., P.S. Rishikesh, District-Dehradun has applied for bail.

Heard Sri Rakesh Thapliyal, counsel for the applicant, Ms. Prabha Noliyal, counsel for the complainant and A.G.A. for the State.

The F.I.R. was lodged by one Smt. Satwant Kaur stating therein that one Chiranjeev Nikhil Maharaj disciple Swami Pikhleshwar Ji got a forged Will prepared after showing the complainant as dead and has entered into the agreement for selling the land with one Sri Suresh Badoni.

Counsel for the applicant has submitted that he has already paid a sum of Rs. 40,00,000/- as earnest money and as such he is sufferer as he has invested the huge amount. A perusal of the agreement to sale deed dated 31st December, 2004 shows that the deed was settled on a sum of Rs. 1,40,000/- per bigha and it is an unregistered agreement.

Ms. Prabha Noliyal appearing for the complainant has submitted that the entire transaction was fraudulent one and no rights have been accrued to Chiranjeev Nikhil Ji Maharaj to execute the agreement to sell in favour of Mr. Suresh Badoni, who himself is a fictitious person.

At this stage, I am not inclined to express any opinion on the rival arguments as I am not entering into the merits of the controversy. It will be open for the parties to agitate before the trial Court itself regarding their grievances.

Let the applicant be released on bail on executing personal bond and furnishing two sureties, each of the like amount to the satisfaction of the Magistrate concerned.

(Rajesh Tandon, J.)

Dated 16.12.2006
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